

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MILTON WASHBURN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

No. CV-07-00057-CI

ORDER GRANTING STIPULATED
MOTION FOR REMAND PURSUANT
TO SENTENCE FOUR OF 42
U.S.C. 405(g)

BEFORE THE COURT is the parties' stipulated Motion for remand of the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 17). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 7). After considering the stipulation of the parties,

IT IS ORDERED that the above-captioned case be **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) will further develop the record, including obtaining Plaintiff's school records. If school records are not available, the ALJ will obtain a comprehensive psychological or neuropsychological evaluation with appropriate testing to determine whether Plaintiff is mentally

1 retarded, functioning in the borderline range, or learning impaired
2 and whether his deficits have been present since the developmental
3 period. In addition, the ALJ will further evaluate Plaintiff's
4 subjective complaints, the opinions and diagnoses from Andrew
5 Forsyth, Ph.D., the opinion from medical expert, Thomas McKnight,
6 Ph.D., and the lay witness evidence from Nina Gil and Jody
7 Swearingen pursuant to 20 C.F.R. § 416.929 and *Social Security*
8 *Ruling* 06-03p. Finally, the ALJ will re-evaluate Plaintiff's
9 residual functional capacity and his ability to perform other work
10 in the national economy. If necessary the ALJ will obtain
11 vocational expert testimony.

12 **IT IS FURTHER ORDERED:**

13 1. The parties' stipulated Motion for Remand (**Ct. Rec. 17**) is
14 **GRANTED.**

15 2. Judgment shall be entered for the **PLAINTIFF.**

16 3. An application for attorney fees may be filed by separate
17 motion.

18 The District Court Executive is directed to enter this Order,
19 forward copies to counsel, and thereafter shall close this file.

20 DATED August 31, 2007.

21
22 S/ CYNTHIA IMBROGNO
23 UNITED STATES MAGISTRATE JUDGE
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